

### REMARKS

Please enter this Response, which includes new claims and an amended claim 2, in reply to the July 27, 2001 Requirement for Restriction.

Applicants' new claims 9-16 relate to embodiments claimed originally, but which ran about afoul of improper multiple claim structure.

New claim 17 relates a process for producing the comestible of claim 1 and should be considered with Group I.

Applicants request the Examiner to review carefully the prior art disclosed and confirm such review by returning a signed /dated PTO-1449 form.

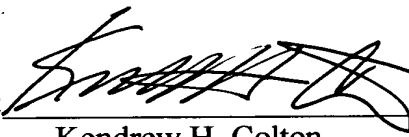
Group I claims are elected with traverse. All claims should be revived at one time. There is no undue burden. The only benefit to the requirement for restriction is the U.S. Treasury in the form of a possible divisional application filing fee and another, increasingly expensive set of maintenance fees for such divisional patent. Indeed, the foreign search report herein demonstrates that another Examiner had the capability of examining product and process claims in one application.

Please note: All communications should be directed to the undersigned. Two change of address forms have been filed, each before the July 27, 2001 Request for Restriction.

Please withdraw the requirement for restriction and pass this case to allowance.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By:   
Kendrew H. Colton  
Registration No. 30,368

Fitch, Even, Tabin & Flannery  
1801 K Street, N.W.  
Suite 401L  
Washington, D.C. 20006-1201  
Telephone No. (202) 419-7000  
Facsimile No. (202) 419-7007

## APPENDIX

Amendments to the claims:

Claims 4 and 5 are cancelled.

2. (Amended) Sugar-free hard-coated comestibles according to claim 1,  
~~characterized in that~~ wherein the dry substance of the mixture comprises between 5% to 50%  
w/w erythritol, ~~[preferably between 5% to 45% w/w, more preferably between 20% to 45%~~  
~~w/w erythritol.~~

New claims 9-17 are added.